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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/651,406	08/30/2000	James C. Monberg	2590	9956

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EXAMINER

MAHMOUDI, HASSAN

ART UNIT	PAPER NUMBER
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2175

DATE MAILED: 07/17/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/651,406

Applicant(s)

MONBERG ET AL.

Examiner

Tony Mahmoudi

Art Unit

2175

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 August 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and 122.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DOV POPOVIC
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DETAILED ACTION

Drawings

1. The drawings are objected to because of the following informalities:

In figure 2, label "218" should be used to identify the "database" as referenced in the disclosure specification. Figure 2 presently seems to have the "Tool User Machine" labeled as both "208" and "218".

Appropriate correction is required.

Specification

2. The disclosure is objected to because of the following informalities:

On page 5, line 14: "this" should be --that--.

Correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2175

4. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dunworth et al (U.S. patent No. 5,930,474) in view of Getchius et al (U.S. Patent No. 6,408,294.)

As to claim 1, Dunworth et al teaches in a computer system, a method (see column 2, lines 49-51) comprising:

maintaining information associating a merchant with a region in which the merchant provides service (see column 24, lines 28-39, where “yellow pages” database is explained, and see column 37, lines 36-65);

receiving a request directed to the region (see column 3, lines 1-2); and

returning information regarding the entry according to the information associating the entry with the region (see column 3, lines 45-54.)

Dunworth et al does not teach the merchant that does not include a physical location.

Getchius et al teaches a method and system for performing online data queries, in which he teaches the merchant that does not include a physical location (see column 18, lines 1-7, where “the merchant not having a physical location” is read on “virtual business”);

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Dunworth et al to include the merchant that does not include a physical location.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Dunworth et al by the teaching of Getchius et al, because associating which the merchant that does not include a physical location would enable the user to obtain information about a business or a merchant who provides goods or

Art Unit: 2175

services to the area but does not have a physical presence in that region. For example, it would make it possible to perform a search on, and obtain information about merchandise seller, "AMAZON.COM", without AMAZON's having to be physically present in the region the search is initiated from and/or the goods/services are delivered to.

As to claim 2, Dunworth et al as modified teaches wherein maintaining information associating the merchant with a region comprises writing an entry into a database including information about the region (see Dunworth et al, column 8, line 59 through column 9, line 4) and information about the merchant (see Dunworth et al, column 9, lines 55-67, where "merchant" is read on "business".)

As to claim 3, Dunworth et al as modified teaches the method further comprising returning additional information regarding the merchant providing service to the region (see Dunworth et al, column 3, lines 45-54) but not having a physical location in the region (see Getchius et al, column 18, lines 1-7, where "the merchant not having a physical location" is read on "virtual business".)

As to claim 4, Dunworth et al as modified teaches wherein the additional information comprises text (see Dunworth et al, column 10, lines 16-28, and see column 19, lines 40-42.)

Art Unit: 2175

As to claim 5, Dunworth et al as modified teaches wherein the additional information comprises a glyph (see Dunworth et al, column 8, lines 25-30, and see column 10, lines 23-28, where “glyph” is read on “graphical image” and “graphical display”.)

As to claim 6, Dunworth et al as modified teaches a computer-readable medium having computer executable instructions for performing the method (see Dunworth et al, Abstract, and see figures 1, 2, 2A-2C, where software interface and computer networks for the invention are mentioned/depicted. It is inherent that “computer systems” and “software interfaces” are implemented on computer-readable mediums having computer executable instructions for performing their tasks.)

As to claim 7, Dunworth et al as modified teaches wherein the region comprises a ZIP code or a set of ZIP codes (see Dunworth et al, column 24, lines 28-39.)

As to claim 8, Dunworth et al teaches a computer-readable medium having stored thereon a data structure (see column 4, line 66 through column 5, line 2), comprising:

a first data field (see column 18, lines 55-59, where “data fields” is read on “each of the databases described”) containing data representing information about a merchant (see column 24, lines 28-39, where “yellow pages” database is explained, and see column 37, lines 36-65); and

a second data field associated with the first data field (see column 18, lines 55-59, where “data fields” is read on “each of the databases described”) and containing data representing a

Art Unit: 2175

region in which the merchant provides service (see column 18, lines 60-66, where “geographic database” is explained, and see column 31, line 61 through column 36, line 25.)

Dunworth et al does not teach a region in which the merchant does not include a physical location.

Getchius et al teaches a method and system for performing online data queries, in which he teaches a region in which the merchant does not include a physical location (see column 18, lines 1-7, where “the merchant not having a physical location” is read on “virtual business”).)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Dunworth et al to include a region in which the merchant does not include a physical location.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Dunworth et al by the teaching of Getchius et al, because including a region in which the merchant does not include a physical location, would enable the user to obtain information about a business or a merchant who provides goods or services to the area but does not have a physical presence in that region. For example, it would make it possible to perform a search on, and obtain information about merchandise seller, “AMAZON.COM”, without AMAZON’s having to be physically present in the region the search is initiated from and/or the goods/services are delivered to.

Art Unit: 2175

As to claim 9, Dunworth et al as modified teaches the structure further comprising a third data field, associated with the first data field (see Dunworth et al, column 18, lines 55-59, where “data fields” is read on “each of the databases described”), and including information regarding the merchant providing service to the region (see Dunworth et al, column 24, lines 28-39, where “yellow pages” database is explained, and see column 37, lines 36-65) but not having a physical location in the region (see Getchius et al, column 18, lines 1-7, where “the merchant not having a physical location in the region” is read on “virtual business”).

As to claim 10, Dunworth et al as modified teaches wherein the third data field comprises text that described the fact that the merchant providing service to the region but does not have a physical location in the region (see Dunworth et al, column 5, lines 40-65, where “customization of the topical information” is taught, and see figures 11 and 15.)

As to claim 11, Dunworth et al as modified teaches wherein the third data field comprises a glyph that indicates that the merchant providing service to the region but does not have a physical location in the region (see Dunworth et al, column 19, lines 64-67, where “glyph” is read on “graphical image”, and see figure 9.)

As to claim 12, Dunworth et al teaches a computer-readable medium having stored thereon a data structure (see column 4, line 66 through column 5, line 2), comprising:

a first data field (see column 18, lines 55-59, where “data fields” is read on “each of the databases described”) containing data representing information about a merchant (see column

Art Unit: 2175

24, lines 28-39, where “yellow pages” database is explained, and see column 37, lines 36-65); and

a second data field associated with the first data field (see column 18, lines 55-59, where “data fields” is read on “each of the databases described”) and containing data representing information regarding the merchant providing service to a region (see column 24, lines 28-39, where “yellow pages” database is explained, and see column 37, lines 36-65.)

Dunworth et al does not teach a merchant not having a physical location in the region.

Getchius et al teaches a method and system for performing online data queries, in which he teaches a merchant not having a physical location in the region (see column 18, lines 1-7, where “the merchant not having a physical location” is read on “virtual business”).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Dunworth et al to include a merchant not having a physical location in the region.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Dunworth et al by the teaching of Getchius et al, because including a merchant not having a physical location in the region, would enable the user to obtain information about a business or a merchant who provides goods or services to the area but does not have a physical presence in that region. For example, it would make it possible to perform a search on, and obtain information about merchandise seller, “AMAZON.COM”, without AMAZON’s having to be physically present in the region the search is initiated from and/or the goods/services are delivered to.

Art Unit: 2175

As to claim 13, Dunworth et al as modified teaches wherein the second data field comprises text that described the fact that the merchant providing service to the region but does not have a physical location in the region (see Dunworth et al, column 5, lines 40-65, where “customization of the topical information” is taught, and see figures 11 and 15.)

As to claim 14, Dunworth et al as modified teaches wherein the second data field comprises a glyph that indicates that the merchant providing service to the region but does not have a physical location in the region (see Dunworth et al, column 19, lines 64-67, where “glyph” is read on “graphical image”, and see figure 9.)

As to claim 15, Dunworth et al teaches a method in a computer system (see column 2, lines 49-52), comprising:

submitting a search query directed to businesses, the search query including a designation of a region (see column 14, lines 14-27);

receiving a business listing in response to the search query, the business listing being associated with a merchant that provides service to the region (see column 9, line 55 through column 10, line 6); and

receiving, along with the business listing, information regarding the fact that the merchant services the region (see column 5, lines 40-65, where “customization of the topical information” is taught, and see figures 11 and 15. Also see column 19, lines 64-67, where “graphical image” is taught, and see figure 9.)

Art Unit: 2175

Dunworth et al does not teach where a merchant does not have a physical location in the region.

Getchius et al teaches a method and system for performing online data queries, in which he teaches a merchant not having a physical location in the region (see column 18, lines 1-7, where “the merchant not having a physical location” is read on “virtual business”).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Dunworth et al to include a merchant that does not have a physical location in the region.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Dunworth et al by the teaching of Getchius et al, because including a merchant that does not have a physical location in the region, would enable the user to obtain information about a business or a merchant who provides goods or services to the area but does not have a physical presence in that region. For example, it would make it possible to perform a search on, and obtain information about merchandise seller, “AMAZON.COM”, without AMAZON’s having to be physically present in the region the search is initiated from and/or the goods/services are delivered to.

As to claim 16, Dunworth et al as modified teaches the method further comprising displaying the information along with the business listing (see Dunworth et al, figures 9, 11, and 15.)

Art Unit: 2175

As to claim 17, Dunworth et al as modified teaches wherein the information comprises text (see Dunworth et al, column 5, lines 40-65, where “customization of the topical information” is taught, and see figures 11 and 15.)

As to claim 18, Dunworth et al as modified teaches wherein the information comprises text and a glyph (see Dunworth et al, figures 9, 11, and 15.)

As to claim 19, Dunworth et al as modified teaches wherein the information comprises a glyph (see Dunworth et al, column 19, lines 64-67, where “glyph” is read on “graphical image”, and see figure 9.)

As to claim 20, Dunworth et al teaches a computer system(see column 2, lines 49-52) comprising:

a data store for maintaining information about merchants that provide service to a region (see column 24, lines 28-39, where “yellow pages” database is explained, and see column 37, lines 36-65);

data entry tools for entering the information in the data store (see column 3, lines 1-8, where the “organizer comprises a database”. It is inherent for databases to have data entry tools for obtaining the data for storage.)

Dunworth et al does not teach merchants that do not include a physical location in the region; and does not teach an application programming interface for ensuring that the information is stored with each merchant entered by the data entry tools.

Getchius et al teaches a method and system for performing online data queries, in which he teaches merchants that do not include a physical location in the region (see column 18, lines 1-7, where “the merchant not having a physical location” is read on “virtual business”), and further teaches an application programming interface for ensuring that the information is stored with each merchant entered by the data entry tools (see column 58, lines 33-49, where “database preparations” and “validity” of database updates are taught.)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Dunworth et al to include merchants that do not include a physical location in the region; and to include an application programming interface for ensuring that the information is stored with each merchant entered by the data entry tools.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Dunworth et al by the teaching of Getchius et al, because including merchants that do not include a physical location in the region, would enable the user to obtain information about a business or a merchant who provides goods or services to the area but does not have a physical presence in that region. For example, it would make it possible to perform a search on, and obtain information about merchandise seller, “AMAZON.COM”, without AMAZON’s having to be physically present in the region the search is initiated from and/or the goods/services are delivered to. Also, including an application programming interface for ensuring that the information is stored with each merchant entered by the data entry tools, would allow the user to verify the data entered for

Art Unit: 2175

each merchant and would further verify and validate database updates to ensure accurate merchant/business information is displayed to the users.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of art with respect to methods and systems for online business directory listings and identifying virtual businesses in general:

U.S. Patent No. 6,148,260 to Musk et al.

U.S. Patent No. 6,134,553 to Jacobson et al.


U.S. Patent No. 6,370,523 to Anderson.

6. Any inquiries concerning this communication or earlier communications from the examiner should be directed to Tony Mahmoudi whose telephone number is (703) 305-4887. The examiner can normally be reached on Mondays-Fridays from 08:00 am to 04:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici, can be reached at (703) 305-3830.

tm

July 10, 2002


DOV POPOVICI
SUPERVISORY PATENT EXAMINER
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